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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESUS YEIZON DENIZ MENDOZA,

Defendant.

Case No. CR-15-93-BLG-SPW

**MOTION TO APPOINT
LEARNED COUNSEL**

Defendant, Jesus Yeizon Deniz Mendoza, by and through his Counsel, hereby respectfully moves this Court to appoint an attorney “learned in the law applicable to capital cases” to assist in the representation of Mr. Mendoza.

On August 21, 2015, an eleven count Superseding Indictment was filed against Mr. Deniz Mendoza in the above-entitled case. Included among the charges are two counts of first degree murder (18 U.S.C § 1152 and § 1111(a)) which carry death as

a possible penalty if Mr. Deniz Mendoza should be convicted. The Superseding Indictment also includes: four counts of the use of a firearm during and in relation to crimes of violence, 18 U.S.C. § 924(c)(1)(A) and (j)(1); and one count of robbery involving a motor vehicle (carjacking) (18 U.S.C. § 2119).

Title 18 U.S.C. § 3005 requires that at least one of the attorneys appointed for a defendant who faces a potential death penalty have experience in capital cases, in addition to the Federal Defender's Office. See *United States v. Djhokhar Tsarnaev*, Case 1:13-cr-10200-GAO (D. Mass.) (appointing learned counsel in addition to the Office of the Federal Public Defender); *United States v. Eric Rudolph*, Case 00-00422-CLS (N.D. Al.) (appointing capital defenders in addition to local lawyers); *United States v. Jose Cabrera Sablan*, 1:08-cr-00259-PMP (E.D.C.A.) (appointing Donald R. Knight as learned counsel in addition to the Office of the Federal Public Defender); *United States v. Samuel Richard Stone*, 1:12-cr-00072-JCC (E.D.C.A.) (appointing Donald R. Knight as learned counsel in addition to the Office of the Federal Public Defender).

Mr. Deniz Mendoza is currently incarcerated and meets the financial qualifications for the appointment of counsel in this matter. He has no known assets and undoubtedly also qualifies for a CJA appointment in accord with 18 U.S.C. § 3005 in this case. The Federal Defender for the District of Montana recommends the

appointment of Donald R. Knight of Littleton, Colorado, as counsel learned in the law applicable to capital cases.

RESPECTFULLY SUBMITTED this 22nd day of October, 2015.

/s/ Anthony R. Gallagher

**CERTIFICATE OF SERVICE
L.R. 5.2(b)**

I hereby certify that on October 22, 2015, a copy of the foregoing document was served on the following persons by the following means:

1, 2 CM-ECF
3 Mail

1. CLERK, U.S. DISTRICT COURT 3. JESUS DENIZ MENDOZA
Defendant

2. LORI HARPER SUEK
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/s/ Anthony R. Gallagher